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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/435,168	11/05/1999	SANJAY P. MURALIDHAR	1899-001	4848

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EXAMINER

ZEENDER, FLORIAN M

ART UNIT PAPER NUMBER

3627

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/435,168

Applicant(s)

MURALIDHAR, SANJAY P.

Examiner

F. Ryan Zeender

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/8/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25 and 39-74 is/are pending in the application.
- 4a) Of the above claim(s) 25, 39-62 and 66 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 67-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Restriction Requirement

This application contains claims 25, 39-62, and 66 drawn to an invention nonelected with traverse in the paper received 9/7/2005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 67-68, and 73 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 67, line 6, it is not clear whether the terminology, "said contingent rights" refers back to the terminology, "a contingent rights offer", or to specific contingent rights terms of an offer. It is further not clear in line 7 whether the terminology, "at a specified price" refers to the price of the future event or a price of the contingent rights offer.

Re claim 68, the terminology, "access rights" does not have proper antecedent basis.

Re claim 73, the terminology, "a price proportional to a perceived likelihood" (emphasis added) is indefinite.

Claim Rejections - 35 USC § 103

Claims 67-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. '127 in view of Official Notice.

Walker et al. disclose a method for distributing rights to buy a ticket for a future airline flight including: storing in a computer information on one or more future airline flights and information on a contingent rights offer (i.e., option) providing the right to purchase a ticket on a future flight, the future flight ticket having a specified price, and the right to purchase being upon the occurrence of a future outcome that is uncertain at the time of the offer (See for example Col. 1, lines 28-29, "fare war"; and Col. 2, lines 29-30, "customer's travel plans change"); linking the computer to a user terminal through a communications link; displaying the information and current price information at the user terminal, and the price determined by market conditions (See, for example, Col. 3, lines 37-41).

Walker et al. lack the teaching of the one or more future events being events at which spectators pay to view activities (i.e., sporting events), the right to purchase becoming executable only if one or more specified potential participants qualify for the sporting event, and the right to purchase being transferable.

The Examiner takes Official Notice that at the time of the invention, it was well known in the art of ticket sales for post-season tournament events (i.e., College Basketball) that alumni who chose to give large gifts to a respective college's alumni club (**dollar amount, i.e., "pricing", pre-set by the club; see for example** "www.UconnHuskies.com" document page 3) during the season would be awarded, at

the end of the regular season, the right to purchase post-season tournament tickets.

The right becoming executable only if the college qualifies for the post season tournament. *(See the previously cited document: "Official Athletic Site of the University of Maryland", pages 3-5, for an example of the procedure for ticket sales that was well known at major Universities at the time of applicant's invention). Further, see "www.UconnHuskies.com" document.*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Walker et al. to have the one or more future events be sport-type events and the right to purchase becoming executable only if one or more specified potential participants qualify for the sporting event, in view of Official Notice, in order to provide additional benefits to alumni club members (See for example "www.UconnHuskies.com" document page 1).

It is also well known for sport-type tickets to be transferable and it would have been obvious to one of ordinary skill in the art to have the options taught by Walker et al. in view of the Official Notice to be transferable, in order for an alumni to pass his purchased tickets to friends and family.

Re claim 68: Walker et al. teach purchasing the ticket for a specific flight (after buying the option) upon determining whether or not future plans have changed (See for example Col. 2, lines 29-30).

Re claims 70-71: Walker et al. teach the limitations of the claims.

Re claim 72: Walker et al. teach that the price of the option is at a price lower than the ticket price (See for example Col. 2, lines 23-29).

Re claims 73-74: Walker et al. teach that the price of the option is dependent on special occurrences such as the Olympics and numerous other factors. It would have been obvious to one of ordinary skill in the art to have the price of the offer change proportionally to likelihood of the potential participants qualifying for the event, as this is a well known economics concept (i.e., supply and demand concept) to maximize revenue.

Response to Arguments

Applicant's arguments filed 2/8/2006 have been considered but are moot in view of the new grounds of rejection. Applicant's arguments filed in previous correspondences regarding Walker et al. and the use of Official Notice, have been either addressed in the rejection above or are not convincing.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (571) 272-6790. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The receptionist's phone number for the Technology center is (571) 272-3600.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

F. Zeender
Primary Patent Examiner, A.U. 3627
April 24, 2006


F. RYAN ZEENDER
PRIMARY EXAMINER